

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE**

ERIC JENKINS,	)	
	)	
<i>Plaintiff,</i>	)	
	)	Case No. 3:23-cv-34
v.	)	
	)	Judge Atchley
BRADLEY COUNTY DISTRICT	)	
ATTORNEY, <i>et al.</i> ,	)	Magistrate Judge McCook
	)	
<i>Defendants.</i>	)	

**ORDER**

On July 21, 2023, United States Magistrate Judge Jill E. McCook filed an Order and Report and Recommendation [Doc. 6] pursuant to 28 U.S.C. § 636 and the Rules of this Court. The Magistrate Judge granted Plaintiff’s Motion for Leave to Proceed In Forma Pauperis [Doc. 1] and recommends that the undersigned dismiss the Complaint [Doc. 2]. Magistrate Judge McCook screened the Complaint pursuant to the Prison Litigation Reform Act (“PLRA”), 28 U.S.C. § 1915, and found that Plaintiff’s § 1983 claim is barred by *Heck v. Humphrey*, 51 U.S. 477 (1994). Judge McCook further found that, because there are no viable federal claims and diversity jurisdiction does not exist, the Court does not have jurisdiction over the alleged violations of the Tennessee Constitution. Accordingly, the Magistrate Judge recommends that the Complaint [Doc. 2] be dismissed.

Plaintiff has not filed an objection to the Report and Recommendation and the time to do so has now passed.<sup>1</sup> The Court has nonetheless reviewed the Report and Recommendation, as well as the record, and agrees with Magistrate Judge McCook’s well-reasoned conclusions.

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<sup>1</sup> Magistrate Judge McCook advised that any objection to the Report and Recommendation must be served and filed within 14 days after service of the Report and Recommendation and that failure to do so would waive any right to appeal. [Doc. 6 at 6]; *see* Fed. R. Civ. P. 72(b)(2); *see also* *Thomas v. Arn*, 474 U.S. 140, 148-51 (1985) (“It does not

Accordingly, the Court **ACCEPTS** and **ADOPTS** Magistrate Judge McCook's findings of fact and conclusions of law as set forth in the Report and Recommendation [Doc. 6]. Pursuant to the PLRA, Plaintiff's Complaint [Doc. 2] is **DISMISSED WITHOUT PREJUDICE**.

**SO ORDERED.**

/s/ Charles E. Atchley, Jr.  
**CHARLES E. ATCHLEY, JR.**  
**UNITED STATES DISTRICT JUDGE**

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appear that Congress intended to require district court review of a magistrate judge's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings.").